

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BRENDAN E. ADAMS, an individual,

Plaintiff and Counter Defendant,

vs.

HOWARD C. ROBERTS,
an individual,

Defendant and Counter Claimant.

CV 18–148–M–DLC

ORDER

On June 23, 2021, the Court denied Defendant and Counter Claimant Howard C. Roberts’ request for records of Plaintiff and Counter Defendant Brendan E. Adams’ incurred attorney’s fees. (Doc. 111.) However, the Court permitted Roberts to renew his request if he could proffer any authority to demonstrate that Adams’ attorney’s fees are somehow relevant to determining his own fee award. (*Id.*) Pursuant to the Court’s Order, Roberts renewed his request on June 30, 2021. (Doc. 112.)

The case Roberts cites fails to persuade the Court that it should compel Adams to produce records of his incurred attorney’s fees. True, the Montana Supreme Court lists “the labor, time and trouble involved” and “the character and importance of the litigation” as factors courts should consider in determining reasonable attorney’s fees. *Plath v. Schonrock*, 64 P.3d 984, 991 (Mont. 2003).

However, nothing in *Plath* suggests evidence of the attorney's fees incurred by the adverse party bears any relevance to weighing these factors. The Court assures Roberts that its attorney's fees determination will be based on the evidence presented at the hearing and the applicable law. Implication by Adams, if any, that his own attorney's fees are less than those sought by Roberts will be disregarded as irrelevant.

Accordingly, IT IS ORDERED that Roberts' renewed request for production of Adams' incurred attorney's fees is DENIED.

DATED this 7th day of July, 2021.



Dana L. Christensen, District Judge
United States District Court